



## Task Force on Trial Court Employees

### Meeting Minutes

March 14–16, 1999

Radisson Hotel, Fresno, California

#### ***TASK FORCE MEMBERS:***

##### ***PRESENT:***

Hon. James A. Ardaiz, Chair  
Marshal Barbara J. Bare  
Hon. Aviva K. Bobb  
Mr. Gary Cramer  
Hon. Charles D. Field  
Ms. Karleen A. George  
Ms. Diane Givens  
Ms. Mary Louise Lee  
Mr. Ronald G. Overholt  
Ms. Christine E. Patton  
Mr. Steve Perez  
Sheriff Charles Plummer  
Mr. John Sansone  
Mr. Larry Spikes  
Mr. Robert Straight

##### ***ABSENT:***

Ms. Pamela Aguilar  
Mr. Mike Vargas (Represented by  
Mr. Joe Broderick)  
Mr. Robert D. Walton  
(Represented by Mr. David  
Christianson)

#### ***PRESENTERS:***

Mr. Gregg Kenney, Operations and Public Agency Manager,  
CalPERS

#### ***ADMINISTRATIVE OFFICE OF THE COURTS***

##### ***STAFF:***

Ms. Judith A. Myers, Director, Human Resources Bureau  
Ms. Deborah Brown, Attorney, Council and Legal  
Services Division  
Ms. Tina Burkhart, Court Services Analyst, Trial Court  
Services Division (not present)  
Ms. Noema Olivas, Secretary, Human Resources Bureau  
Ms. Hazel Ann Reimche, Human Resources Analyst, Human  
Resources Bureau  
Ms. Sharon Smith, Staff Analyst, Human Resources Bureau

##### ***OTHER STAFF:***

Mr. Peter Kutras, Deputy County Executive, County of Santa  
Clara

##### ***FACILITATOR:***

Ms. Liz Schiff, Organizational Development Specialist,  
Human Resources Bureau, Administrative Office of the  
Courts

**Sunday, March 14, 1999**

### **I. OPENING REMARKS**

Justice James A. Ardaiz, chair, called the meeting to order at 2:30 p.m. in Fresno and welcomed everyone to the tenth task force meeting.

## **II. PUBLIC COMMENT PERIOD**

There were no public speakers.

## **III. REVIEW OF FEBRUARY TASK FORCE MEETING AND ANNOUNCEMENTS**

Justice Ardaiz announced that the February task force meeting minutes would be presented at the April meeting because of the limited time between meetings.

Justice Ardaiz reviewed the following actions taken by the task force at the February 25–26, 1999, meeting in Concord:

- Revised and requested comments on the definition of trial court employee for purposes of the survey;
- Adopted certain revisions of the Working Employment Protection System Model with further revisions to be discussed at the March meeting;
- Adopted the advisory vote assumptions and objectives;
- Adopted the public entity poll assumptions and objectives with some modifications;
- Requested further drafting on the Meet and Confer Model; and
- Discussed and agreed on some of the retirement assumptions and objectives and also some of the status options of the model that has been created.

Justice Ardaiz discussed the objectives and agenda for the current meeting. The objectives of the March meeting were to:

- Provide an opportunity for communication through a public comment period;
- Finalize the Working Employment Protection System Model;
- Review revised language to the rule enforcement portion of the Meet and Confer Model and reach consensus on the model;
- Adopt assumptions, objectives, and models for the employee advisory vote and public entity poll;
- Provide educational information on health benefits and identify pertinent issues and concerns;
- In relation to retirement benefits:
  - Adopt final language for assumptions and objectives, and
  - Discuss revised staff model and attempt to reach consensus;
- Review employment status options definitions (state, county, court, other) in relation to models; identify effects of and concerns raised by the models; and
- Revisit definition of “court employee” for purposes of the interim report, advisory vote, and final recommendations.

Ms. Liz Schiff reviewed the ground rules for the meeting.

## **IV. EMPLOYMENT PROTECTION SYSTEM MODEL**

Ms. Deborah Brown reviewed the revised version of the Working Employment Protection System Model I. She summarized comments received from task force members on the revised model and proposals to accommodate the concerns raised. Justice Ardaiz noted that the group had already reached consensus on most of the model. The task force discussed the outstanding issues and modified Model I. The modifications were incorporated into Model J. The task force agreed to consider Model J and revisit the final adoption of the model in the meeting the following day.

## **V. DEFINITION OF COURT EMPLOYEE**

Ms. Judith A. Myers reviewed the survey definition of "court employee" that the task force approved at the February meeting. Ms. Myers asked the task force to discuss the need, if any, to revisit the court employee definition for purposes of the interim report and advisory vote. She reminded the task force that the definition would be open for comment in the interim report, enabling the task force to receive input from interested parties. The task force divided into small groups and discussed the court employee definition. The task force provided guidance to staff in drafting a revised definition for the April meeting and interim report.

Marshal Barbara Bare asked about the status of the marshal survey; staff responded that the results received to date would be provided as soon as possible.

## **VI. CLOSING REMARKS**

Justice Ardaiz adjourned the meeting at 5:10 p.m.

**Monday, March 15, 1999**

## **I. OPENING REMARKS**

Justice Ardaiz called the meeting to order at 8:15 a.m.

## **II. EMPLOYMENT PROTECTION SYSTEM MODEL**

Task force members reviewed Working Employment Protection System Model J, revised the first day of the meeting. Sheriff Charles Plummer moved that Working Employment Protection System Model J be adopted and posted to the Web site. Ms. Karleen A. George seconded the motion. The Working Employment Protection System Model J was adopted and will be posted to the Web site.

## **III. PUBLIC COMMENT PERIOD**

There were no public speakers.

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#### **IV. RETIREMENT MODEL**

Justice Ardaiz reviewed the previous meeting's discussion of defined benefit retirement plans and stated that the task force's discussion prior to the interim report would focus only on current employees. The task force will discuss new employees—those hired after the implementation date of the personnel system—after the interim report is completed—and when information from the trial court employee survey is reported. Justice Ardaiz reiterated the goal of ensuring that current retirement benefits for employees are preserved and noted the challenge of dealing with Social Security taxes. The task force must very carefully note specific consequences of various retirement options. He again emphasized the aim to allay employees' concerns about their contribution or noncontribution to Social Security.

Ms. Myers presented an overview of the first-tier and second-tier retirement plans currently offered to judicial branch state employees. Ms. Myers stated that unlike retirement plans in civil service, these two tiers of retirement plans are optional to the employee and neither one is mandatory. In the first-tier retirement plan, both the employee and the state make contributions into the retirement system, whereas on the second tier, the employee makes no contribution. Ms. Myers further described the basic retirement benefits.

Ms. Schiff and Ms. Myers reviewed the revised assumptions, objectives, and Working Defined Benefit Retirement Model for Current Employees. Ms. Myers also reviewed the basic Social Security rules mandated by federal law; the following rules need to be carefully noted because they significantly affect the defined benefit model:

- Social Security is a tax and is a result of a contract between the employer and Social Security;
- Contribution versus noncontribution is determined by who the employer is;
- If the employer has no retirement plan, employees must contribute to Social Security;
- If the employer develops a retirement plan, it can be established with or without Social Security;
- The retirement plan can be established first, and then the employer can opt for Social Security coverage later;
- The employer can back date Social Security coverage, but the employee must pay any missing contributions; and
- Employees have an option to select Social Security or not, if they are employees of that employer at the time of initiation of the Social Security contract.

The task force discussed the assumptions, objectives, and model for current employees; modified the wording; and identified areas requiring further research and information. Task force members were in general agreement on the defined benefit model for current employees, and the group agreed to revisit the issue at the next meeting.

#### **V. EMPLOYEE ADVISORY VOTE AND PUBLIC ENTITY POLL MODELS**

Ms. Schiff reviewed the Working Employee Advisory Vote Assumptions, Objectives, and Model. After minor modifications, the assumptions, objectives, and model were agreed upon and adopted

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by the task force. Sheriff Plummer moved to adopt the Working Employee Advisory Vote Assumptions, Objectives, and Model with the modifications and post it to the Web site. Ms. Christine E. Patton seconded the motion; the task force adopted it.

Ms. Schiff also reviewed the Working Public Entity Poll Assumptions, Objectives, and Model. These were approved and adopted by the group after minor modifications were made. Sheriff Plummer moved to adopt the Working Public Entity Poll Assumptions, Objectives, and Model and post it to the Web site. Mr. Steve Perez seconded the motion; the task force adopted it.

## **VI. EDUCATION ON AND DISCUSSION OF HEALTH BENEFITS**

Ms. Myers introduced the guest speaker, Mr. Gregg Kenney, Operations and Public Agency Manager, in the health benefits division of the California Public Employees Retirement System (CalPERS). Mr. Kenney gave an overview of CalPERS health plan benefits and discussed considerations and ramifications of plan design.

The task force discussed the working health benefits assumptions and objectives. The task force agreed that all group insurance-related benefits should have the same goals and objectives, and the group agreed to change the title to Working Group Insurance Benefits Assumptions and Objectives. Staff stated their intention to provide more information and present a model at the April task force meeting.

## **VII. MEET AND CONFER MODEL RULES ENFORCEMENT ISSUE**

Ms. Brown reviewed the revised version of the Working Meet and Confer Model D, which incorporated revisions suggested by the task force at the February 25–26 meeting. She also summarized the background and previous discussions of meet and confer issues, including enforcement of the California Rules of Court on Court Employee Labor Relations. Ms. Brown's review included a summary of issues previously discussed on rules of 2201–2210 and the trial court employee Labor Relations Statute, Government Code sections 68650–68655. The task force reached general agreement to adopt Working Meet and Confer Model D but deferred final adoption to the following day of the meeting.

## **VIII. CLOSING REMARKS**

The meeting was adjourned at 4:30 p.m.

**Tuesday, March 16, 1999**

## **I. OPENING REMARKS**

Justice Ardaiz called the meeting to order at 8:30 a.m.

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Justice Ardaiz introduced Ms. Sherrie Stacy-Kinnemoke from the California Court Clerks Association, who was present to observe the meeting.

## **II. MEET AND CONFER MODEL**

Mr. Ronald G. Overholt moved to adopt Working Meet and Confer Model D and post it to the Web site. Sheriff Plummer seconded the motion; the group approved it.

## **III. EMPLOYMENT STATUS OPTION DEFINITIONS**

Small groups of task force members discussed the employment status options (state, county, court, or other) in relation to the models adopted. The groups reviewed each of the models to determine the effects of the models on the employment status options. The small groups reported their findings, and the task force engaged in general discussion of the models and employment status options. The issues raised by the small groups will be further researched, revised by staff, and revisited at the following meeting.

## **IV. MEETING SUMMARY AND CLOSING REMARKS**

Justice Ardaiz summarized the work of the task force at the March meeting as the following:

- Adopted Working Employment Protection System Model J;
- Adopted the definition of “court employee” for purposes of the interim report and advisory vote;
- Reached general agreement on the assumptions and objections of the retirement model;
- Received health group insurance education from a CalPERS representative, and discussed group insurance benefits assumptions and objectives;
- Adopted Working Meet and Confer Model D; and
- Reviewed the employment status options and identified concerns related to the working models.

Justice Ardaiz adjourned the meeting at 2:40 p.m.